

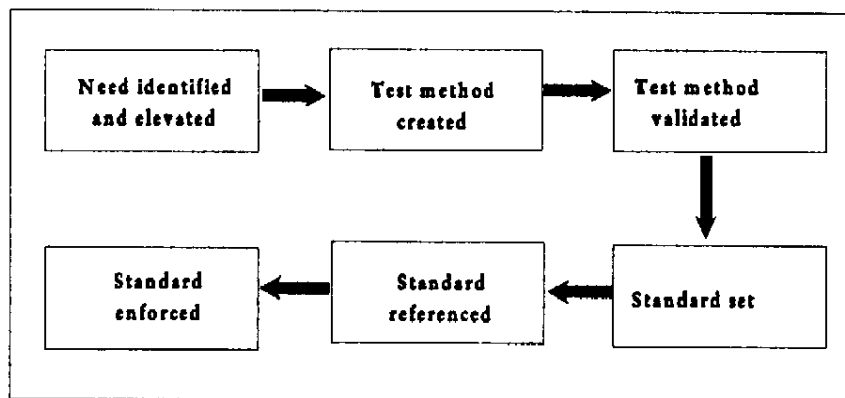
## STRATEGIC PLAN 1996 Summary

John/Murray  
than the  
Fire Safe  
Spencer

### BACKGROUND

- Product fire safety begins with the identification of a *problem* (generally because of actual fires reported), the creation of a *test method* to simulate the kind of fire in question (and the product's interaction with it), technical *validation and recognition* of the test, a setting of a *standard* based on the test, a *reference* to the test method and standard in a federal, state or local regulation, and then *enforcement* of the standard. (See diagram).

The effort to require *fire safe cigarettes* now resides with validation and recognition of the Gann test method – a process now under way in ASTM, the organization commonly used for this purpose.



- The first session of the 104th Congress will not result in fire safety restrictions on cigarettes. The second session remains to be seen: Members sympathetic to industry positions are focused heavily on other issues, Democrats are likely to emphasize some Republicans' pro-tobacco records, and it is an unusually important election year.

The traditional advocates of *fire safe cigarettes* are biding their time with the validation of the Gann test method. However, Ann Brown, chairman of the Consumer Product Safety Commission, regards accidental fire as a high priority<sup>1</sup> and regulation of cigarettes as a mission.

<sup>1</sup> Since assuming the Chair, Brown has aggressively tackled fires involving upholstered furniture, cooking, and women's and children's clothing, and has reinvigorated CPSC's fire specialty area.

Brown and her staff have modified legislation introduced in the 103rd Congress by Rep. Joseph Moakley, and may begin promoting it in the second session of the 104th Congress.

While the Commission does not have the authority to regulate cigarettes, it is proceeding aggressively against upholstered furniture and, more recently, against mattresses -- the two *fuels* most commonly ignited by cigarettes. The Commission also is investigating cigarette ignitions of senior citizen sleepwear.

We believe that Brown will eventually use the Commission's upholstered furniture flammability rule-making as a platform to argue in favor of controls on cigarettes.

Fire officials and legislators in a handful of states remain interested in *fire safe cigarettes* but are likely to await validation of the Gann test method before seeking the necessary legislation. The most likely state to proceed is New York, where Governor George Pataki is exceptionally close to the Firemen's Association of the State of New York (FASNY), which maintains fire safe cigarettes as a political priority. Fire fighters in a few other states and in at least two national organizations -- National Fire Protection Association and International Association of Fire Chiefs -- continue to regard *fire safe cigarettes* as important.

## OBJECTIVE

To prevent progression of the *fire safe cigarette* issue in technical, legislative and regulatory arenas.

## STRATEGIES

- I. Maintain the federal focus on improving the fire resistance of upholstered furniture, mattresses and other easily-ignited household items as a means of reducing the number of fire deaths.
- II. Discourage acceptance and use of the flawed Gann test method as a means of regulating cigarette ignition propensity.
- III. Redirect federal resources to more productive fire prevention and suppression activities.

## PROJECTS

- A. National Association of State Fire Marshals (NASFM) involvement in ASTM and other reviews and attempted validations of Gann test method.
- Roughly the same cast of characters that battled on the TSG and TAG are assembled once again to fight over the merits of the Gann test method. NASFM was offered membership on this panel, then the offer was withdrawn when Gann and furniture industry representatives intervened.
  - NASFM is the one fire group to actively and knowledgeably object to the Gann test method. This is significant because state fire marshals could play a role in enforcement of standards based on the Gann method.
  - NASFM is permitted to observe the group's sessions and should do so – raising objections along the way. By periodically briefing other fire groups and public officials about the Gann method's flaws, NASFM will position us to oppose further adoption of the test method when ASTM ultimately validates the test.
- B. CPSC 1996 rulemakings for small open flame and smoldering ignitions of upholstered furniture; possible action against mattresses and adult sleepwear in 1996.
- In 1996, CPSC will issue a Proposed Rule on small open flame ignitions of upholstered furniture, and is expected to initiate an Advance Notice of Proposed Rulemaking on smoldering ignitions.
  - The Commission also will reopen the question of smoldering ignitions of mattresses and may begin work on cigarette ignitions of sleepwear worn by senior citizens.
  - The upholstered furniture, mattresses, fabric and foam manufacturers – all of whom have promoted *fire safe cigarettes* as the solution – have had to turn their attention to the Commission's activities. They tried and failed to cut CPSC funding. Worse, they were caught by Chairman Ann Brown, who has the votes to take action against them.
  - In 1996, fire officials must keep the pressure on the Commission to focus on the *fuels* rather than *ignition sources*.

C. Continued fire service opposition to funding of the NIST fire research laboratory.

- Fire fighters do not regard NIST as a funding priority. NIST scientists – and especially Gann – have undermined fire officials in many states.
- Key fire groups shared their funding priorities with Appropriations Committee members in 1995. NIST was very low on the list. Since it is part of the Commerce Committee appropriation, it is not yet known how much Gann's operation has been affected. However, NIST is almost certain to exist with lesser funding.
- Additional pressure will be required in 1996 to ensure that proponents of NIST do not get dollars restored, and that further cuts are made.

D. Monitor and oppose federal and state legislation.

At this point, our priority will be knowing as early as possible about *fire safe cigarette* bills.

- Consumer activist Andy McGuire has returned to the issue, focusing for the time in Canada. He met this month with CPSC Chairman Brown and her staff.
- An effort is under way to secure sponsorship for a slightly revised version of the Moakley bill. The objective will be to introduce it in 1996 – possibly making an issue of Republican support of tobacco.
- At this time, the two states most worth watching are New York and Massachusetts.

E. Focus fire service on Federal Fire Prevention Education Act.

For the past several years we have been able to direct fire officials' attention to other issues. This bill can be held until we need it.

F. CPSC reauthorization.

- Chairman Oxley, House Commerce Subcommittee, says he will look at the Commission's authorizing statutes in the new year. Reauthorization is several years overdue.
- The mission and organization of the CPSC is central to this issue, and we will want to have some hand in shaping it.

## KEY MEETINGS 1996

Estimated 8-10 meetings of the ASTM subcommittee and working group dealing with Gann's test method (to be scheduled).

Fire Department Instructors Conference	Indianapolis, IN	February 17-25
NASFM Annual Meeting	Orlando, FL	March 28-30
Nat'l Volunteer Fire Council Spring Meeting	Austin, TX	April 11-14
Annual National Fire and Emergency Services Dinner	Washington, DC	April 30
NY Fire Districts Annual Convention	Lake Placid, NY	May 4-8
Metro Chiefs Conference	Pittsburgh, PA	May 4-8
Nat'l Fire Protection Assn. (NFPA) Annual Conference	Boston, MA	May 20-23
NY State Association of Fire Chiefs Annual Conference	Monticello, NY	June 9-12
Fire-Rescue International (Int'l Assn. of Fire Chiefs Annual Conf.)	Kansas City, MO	August 24-28
Maryland Governor's Fire Safety Conference	Columbia, MD (Johns Hopkins)	September 25 (Tentative)
National Arson Forum	Washington, DC area	October 2-3
NFPA Fall Meeting	Nashville, TN	November 18-20
Western Fire Chiefs Conference	Date and place will be set by the first of the year	

RJR.96